1 THE HONORABLE RICARDO S. MARTINEZ 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 8 CITY OF ISSAQUAH, a municipal corporation, No. 18-cv-00910-RSM 9 10 Plaintiff. STIPULATION AND JOINT MOTION TO DEPOSE PLAINTIFF AND THIRD-PARTY 11 DEFENDANT 30(B)(6) VS. 12 REPRESENTATIVES PAST DISCOVERY ORA TALUS 90, LLC, a Delaware limited **DEADLINE** 13 liability company; and RESMARK EQUITY PARTNERS, LLC, a Delaware limited liability 14 company, 15 Defendants. SAME DAY STIPULATED MOTION: 16 December 4, 2020 17 ORA TALUS 90, LLC, a Delaware limited liability company; and RESMARK EQUITY 18 PARTNERS, LLC, a Delaware limited liability 19 company, 20 Third-Party Plaintiffs, 21 VS. 22 TERRA TALUS LLC, a Washington limited 23 liability company; ELEMENT RESIDENTIAL 24 INC., a Washington corporation; JOSHUA FREED, an individual; J.R. HAYES & SONS, 25 INC., a Washington corporation; and TERRA 26 ASSOCIATES, INC., a Washington



1	corporation, TALUS MANAGEMENT
2	SERVICES LLC, a Washington limited
3	liability company; and TALUS 7 & 8, LLC, a Washington limited liability company,
4	
5	Third-Party Defendants.
6	TALUS 7 & 8 INVESTMENT, LLC, a
7	Washington limited liability company; J.R. HAYES & SONS, INC., a Washington
	corporation,
8	Third-Party Plaintiffs,
9	Timu-i arry i familiis,
10	vs.
11	KULCHIN FOUNDATION DRILLING
12	COMPANY, a Washington corporation, and
13	BIG MOUNTAIN ENTERPRISE LLC, a Washington limited liability company,
14	washington minted habinty company,
15	Third-Party Defendants.
16	COME NOW the above-captioned parties by and through their undersigned attorneys
17	and stipulate and move the Court as follows:
18	1. The current deadline for lay discovery expires on December 11, 2020.
19	2. The parties have collectively taken approximately 50 separate lay witness
20	depositions.
21	
22	3. The parties desire the depositions of 30(b)(6) representatives for Plaintiff City
23	of Issaquah and for Third-Party Defendant Talus 7 & 8 Investment, LLC. Copies of the
24	deposition notices are attached hereto as Exhibits 1 and 2, respectively.
25	4. Foundational witnesses needed to be deposed prior to Plaintiff's and Talus 7 &
26	8 Investment's 30(b)(6) representative(s).
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1	5. Due to the factual complexity a	nd scheduling logistics, the parties agree that
2	these two 30(b)(6) depositions may take place p	ast the current lay witness discovery deadline.
3	Plaintiff will produce its 30(b)(6) representatives	s on December 15, 2020. The parties also agree
4	to take the 30(b)(6) deposition of Talus 7 & 8	Investment at an agreed-upon date in January
5	2021.	
6		
7	6. The parties, therefore, collectivel	y move the Court for an order authorizing the
8	30(b)(6) depositions of Plaintiff City of Issaq	uah and Third-Party Defendant Talus 7 & 8
9	Investment.	
10	IT IS SO STIPULATED.	
11	Dated this 4 th day of December, 2020.	Dated this 4 th day of December, 2020.
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1 ORDER 2 PURSUANT TO THE STIPULATED MOTION, IT IS SO ORDERED. 3 DATED this 7th day of December, 2020. 4 5 6 RICARDO S. MARTINEZ 7 CHIEF UNITED STATES DISTRICT JUDGE 8 9 10 Presented by: 11 12 WILSON SMITH COCHRAN DICKERSON CAIRNCROSS & HEMPELMANN, P.S. 13 By: s/Whitney L.C. Smith By: s/Terence J. Scanlan By: s/Brian Buron By: s/ Patricia A. Laughman 14 Whitney L.C. Smith, WSBA No. 21159 Terence J. Scanlan, WSBA #19498 15 Brian Buron, WSBA No. 27206 Patricia A. Laughman, WSBA # 46716 WILSON SMITH COCHRAN DICKERSON 524 Second Avenue, Suite 500 16 901 Fifth Avenue, Suite 1700 Seattle, WA 98104-2323 Seattle, WA 98164-2050 Telephone: 206-623-6501 17 Telephone: (206) 623-4100 / Fax: (206) 623-Facsimile: 206-447-1973 18 9273 Email: tscanlan@cairncross.com Email: smithw@wscd.com Email: plaughman@cairncross.com 19 Attorneys for Third Party Defendant Terra Attorneys for the City of Issaquah Talus LLC 20 21 22 KEATING, BUCKLIN & MCCORMACH, **BROWN WHITE & OSBORN LLP** INC., P.S. 23 By: s/Cynthia M. Cohen Cynthia M. Cohen, Admitted Pro Hac Vice By: s/Michael C. Walter 24 Michael C. Walter, WSBA #15044 333 S. Hope Street, Suite 4000 25 Los Angeles, CA 90071 Tel: 213.613.0500 801 Second Avenue, Suite 1210 Fax: 213.613.0550 E-Mail: Seattle, WA 98104 26 Telephone: 206-623-8861 ccohen@brownwhitelaw.com

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CERTIFICATE OF SERVICE 2 The undersigned certifies that under penalty of perjury under the laws of the United States of America that on the below date I caused to be served the foregoing document on: 3 4 **Attorney for Plaintiff Attorney for Plaintiff** Terence J. Scanlan Michael Charles Walter 5 Patricia A. Laughman Jeremy W. Culumber Cairncross & Hempelmann, P.S. Keating Bucklin McCormack, Inc., P.S. 524 Second Avenue, Suite 500 801 Second Avenue, Suite 1210 6 Seattle, WA 98104-2323 Seattle, WA 98104-1518 () Via U.S. Mail () Via U.S. Mail 7) Via Facsimile: 206-587-2308) Via Facsimile: 206-223-9423 8 () Via Hand Delivery () Via Hand Delivery (X) Via CM/ECF (X) Via CM/ECF 9 () Via Email: tscanlan@cairncross.com; () Via Email: mwalter@kbmlawyers.com; jculumber@kbmlawyers.com plaughman@cairncross.com 10 **Attorneys for Defendants/Third Party** Attorneys for Defendants/Third Party Plaintiffs ORA Talus 90, LLC and Plaintiffs ORA Talus 90, LLC and 11 Resmark Equity Partners, LLC Resmark Equity Partners, LLC Arthur W. Harrigan, Jr. Cynthia M. Cohen 12 Tyler L. Farmer **BROWN WHITE & OSBORN LLP** HARRIGAN LEYH FARMER & 333 S. Hope Street, Suite 4000 13 Los Angeles, CA 90071 **THOMSEN** 999 Third Avenue, Suite 4400) Via U.S. Mail 14 Seattle, WA 98104) Via Facsimile: 213.613.0550 () Via U.S. Mail () Via Hand Delivery 15 () Via Facsimile: 206-623-8717 (X) Via CM/ECF () Via Hand Delivery () Via Email: 16 (X) Via CM/ECF ccohen@brownwhitelaw.com () Via Email: arthurh@harriganleyh.com; 17 tylerf@harriganleyh.com 18 **Attorney for Third Party Defendant Attorney for Third Party** Defendants/Third Party Plaintiffs J.R. Hayes & Sons, Inc. and Talus Management **Kulchin Foundation Drilling Company** Bradley L. Powell 19 Michael J. Schmidt Services and Talus 7 & 8 LLC John P. Zahner 20 Oles Morrison Rinker & Baker 701 Pike Street, Suite #1700 Patrick J. Mullaney Seattle, WA 98101-3930 Tacy K. Hass 21) Via U.S. Mail FOSTER GARVEY P.C. () Via Facsimile: 206-682-6234 1111 Third Avenue, Suite 3400 22 () Via Hand Delivery Seattle, Wa 98101-3299 (X) Via CM/ECF () Via U.S. Mail 23 () Via Email: powell@oles.com;) Via Facsimile: 206-447-9700 schmidt@oles.com () Via Hand Delivery 24 (X) Via CM/ECF) Via Email: ZahnJ@foster.com; 25 tacy.hass@foster.com; mullp@foster.com 26



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STIPULATION RE: DEPOSITIONS OUTSIDE DISCOVERY DEADLINE (Cause No. 18-cv-00910-RSM) – 10 sw/BB6704.050/3738599x37

